



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

June 22, 2022

BY ECF

The Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Trevor Milton*, S1 21 Cr. 478 (ER)

Dear Judge Ramos:

The Government respectfully writes to advise the Court that the grand jury returned a superseding indictment earlier today in the above-referenced case, and to request that time be excluded under the Speedy Trial Act until the trial date of July 18, 2022.

The revisions reflected in the S1 Indictment are, in sum:

- A count charging wire fraud, in violation of 18 U.S.C. §§ 1343 and 2, has been added (Count Four). This count concerns a scheme to defraud in connection with the defendant's purchase of 4,678 acres of property in Utah in exchange for a combination of cash and Nikola stock options, based on misrepresentations similar and related to the misrepresentations charged in Counts One through Three. The proof underlying this charge substantially overlaps with the proof underlying the counts in the original indictment (and the other counts in the S1 Indictment), and all additional discovery relating to this charge has previously been disclosed to the defendant (including the Government's intention to call witnesses and offer evidence specific to this intertwined conduct).
- The speaking portions of the original indictment have been omitted.
- Certain, non-substantial edits have been made to the to-wit clauses of Counts One through Three.

Enclosed please find a courtesy copy of the S1 Indictment.

The Government respectfully requests that time be excluded from today until July 18, 2022, under the Speedy Trial Act, in the interests of justice and particularly to allow the parties sufficient time to prepare for trial.¹ Additionally, the parties consent to defer arraignment on the S1 Indictment until the next pretrial conference.

Respectfully submitted,

DAMIAN WILLIAMS
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Southern District of New York

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cc: Counsel of Record (by ECF)

¹ The defendant, through counsel, has deferred providing a position as to exclusion of time under the Speedy Trial Act.